

New delta standards hailed as 'landmark'

By Vicky Boyd
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After nearly two decades of wrangling about delta water quality standards, state and federal leaders last week reached what some described as a "landmark agreement." Though growers admitted they were encouraged by the truce, they said the standards still don't solve the regulatory drought they have endured the past few years.

Federal officials, who were under court order to adopt bay-delta standards by Dec. 15, went down to the wire negotiating with agricultural, environmental and urban water interests. The deadline stemmed from a lawsuit last year by more than a dozen environmental groups against the U.S. Environmental Protection Agency for failing to enforce the Clean Water Act.

The standards are a compromise between the U.S. EPA's earlier plan, which could have required as much as 1.5 million acre-feet of water, and one drafted by agricultural and urban water interests

calling for a maximum of 1 million acre-feet.

Amid the pomp and ceremony due a Middle East peace accord, interior department secretary Bruce Babbitt and U.S. EPA administrator Carol Browner last week signed the bay-delta plan alongside Gov. Pete Wilson.

The agreement calls for an additional 400,000 acre-feet to flow through the Sacramento-San Joaquin Delta during a normal water year. During a critically dry year, the requirements would increase to about 1.1 million acre-feet.

The agreement currently applies only to contractors with the Central Valley Project and the State Water Project, and the actual amount each has to contribute is described in the agreement. CVP water users' contribution will be credited against the 800,000 acre-feet already allocated to fishery restoration under the CVP Improvement Act.

Included in the plan is water needed to meet critical habitat for the delta

smelt, listed as a federally threatened species. It also includes water needed for the federally listed winter-run chinook salmon. If, during the plan's three-year life span, other species are listed, the federal government would be responsible for purchasing additional water to meet Endangered Species Act requirements.

"The federal government is at risk for any additional water," Babbitt said. "A deal is a deal."

Under the new standards, CVP users on the west side of the San Joaquin Valley can expect deliveries of 60 to 70 percent of contract during a normal water year. During a critically dry year, however, deliveries could be as little as 25 to 35 percent.

The bay-delta standards will be in place for three years to allow the Bay-Delta Advisory Council to develop long-term delta solutions. The interim rules will also allow the State Water Resources Control Board time to conduct water

rights hearings about how to "spread the pain" among all the users within the delta watershed.

Calling the agreement an end to the water wars, Wilson said a regulatory drought had been averted. "I think it assures that agriculture and the cities of Southern California will have the kind of water they need," Wilson said. But agricultural water users aren't so sure.

"It's not the end of the regulatory drought," said Dan Nelson, executive director of the San Luis-Delta Mendota Water Authority. "However, it's a significant beginning to start working toward that end."

What the interim rules will do, however, is provide a stable water supply for the next three years, Nelson said. "Until today, we had absolutely no certainty about how we were going to operate the delta," Nelson said. "We never had a set of rules to operate the delta that we could rely upon. It was month-by-month or even week-by-week circumstances in the delta."

California Farm Bureau President Bob L. Vice said he's encouraged because the bay-delta standards don't require as much water as originally proposed. Nevertheless, he said, they only postpone the inevitable of a growing state population and a water supply that hasn't kept up with demands.

"It's kind of like hitting yourself in the foot with a hammer," Vice said. "It makes the toothache go away but it really doesn't solve the problem."

If the state doesn't look at developing additional

water supplies, Vice said residents could face a worse situation in the delta five to seven years from now. "With more people depending on the existing water supply, you just divide the pie up into smaller and smaller pieces. We have to make a bigger pie."

Ted Sheely, who farms near Lemoore, said he didn't believe the bay-delta plan ends the water shortages farmers have endured the past few years because of fisheries regulations. "Of course there's a regulatory drought when they are talking about delivering me only half or maybe three-quarters of my supply," said Sheely, Kings County Farm Bureau president. "You still have lost some."

But Sheely said he is cautiously optimistic that the agreement will eventually help improve the water outlook for agriculture by bringing much-needed supply stability. But then again, he said, he had similar hopes about the CVPIA before it was implemented.

"Having a 50-percent water supply is one thing. But if it's an unreliable 50 percent—that's much worse. It's only better than having no water supply at all," Sheely said.

Cliff Koster, who farms near Tracy, said the most significant part of the agreement in his mind is the comprehensive monitoring program that will be conducted in the delta during the next three years. "We should have better science instead of this knee-jerk reaction to what's going on," Koster said. "The three-year comprehensive monitoring plan will help us find out what's really going on, instead of throwing water at it. And if it doesn't work, we throw more water at it."